

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/043,247 Confirmation No.: 1844
Applicant : Garrison, et al.
Filed : January 14, 2002
Art Unit : 3694
Examiner : Sanjeev Malhotra
Atty Docket No. : 23952-0045

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Responsive to the Notice of Allowability mailed on October 6, 2008 and the Supplemental Notice of Allowability of December 19, 2008, the Applicants submit the following clarifying remarks.

The Notice of Allowability of October 6, 2008 included a request for the Applicants to file an Affidavit antedating U.S. Patent No. 6,327,577 to Garrison et al. and a December 10, 1997 NPL article. (*See* October 6, 2008 Notice of Allowability, page 7). The Applicants' representative, William Cook, discussed the request for an antedating Affidavit with the Examiner in a telephonic interview on October 29, 2008. During the interview, both Mr. Cook and the Examiner agreed that such an Affidavit was unnecessary. The Examiner also agreed to withdraw the request for an antedating Affidavit and issue a Supplemental Notice of Allowability, which was mailed on December 19, 2008. For at least this reason, the Examiner's statement of reasons for allowance contained in the December 19, 2008 Supplemental Notice of Allowability does not contain a request for an antedating Affidavit to be filed.

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Moreover, the Examiner's statement of reasons for allowance contained in the December 19, 2008 Supplemental Notice of Allowability emphasizes certain claim elements as not being disclosed in the prior art. However, such statements should not be construed as the only possible novel and non-obvious features of the Applicants' invention. The Applicants respectfully assert that the allowed claims may be considered novel and non-obvious over the cited prior art references for reasons other than those emphasized in the Examiner's statement of reasons for allowance.

Respectfully submitted,
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Date: January 5, 2009

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